

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STEVEN WAYNE BONILLA,

Plaintiff,

v.

JEFFREY W. HORNER, et al.,

Defendants.

Case No. [18-cv-01820-VC](#) (PR)

**ORDER OF DISMISSAL WITH  
PREJUDICE**

Plaintiff Steven Wayne Bonilla is a state prisoner who alleges constitutional violations against Alameda County Superior Court Judge Jeffrey W. Horner, Marin County Superior Court Judge Kelly V. Simmons and United States District Court Judges Vince Chhabria, Yvonne Gonzalez Rogers, Claudia Wilken, Jeffrey S. White and Beth Labson Freeman.

Bonilla has been disqualified from proceeding *in forma pauperis* (“IFP”) under 28 U.S.C. § 1915(g) unless he is “under imminent danger of serious physical injury” at the time he filed his complaint. 28 U.S.C. § 1915(g); *In re Steven Bonilla*, No. C 11-3180 CW (PR); *Bonilla v. Dawson*, No. C 13-0951 CW (PR).

The allegations in this complaint do not show that Bonilla was in imminent danger at the time of filing. Therefore, Bonilla may not proceed IFP. This case is another attempt by Bonilla to invalidate his state criminal judgment. Therefore, his lawsuit is barred under *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Bonilla has been advised many times that any challenge to his state criminal judgment must be brought in his habeas proceeding. Accordingly,

the case is dismissed with prejudice.

Furthermore, this is not a case in which the undersigned judge's impartiality might be reasonably questioned. *See United States v. Holland*, 519 F.3d 909, 912 (9th Cir. 2008) (absent legitimate reason to recuse himself or herself, judge has a duty to sit in judgment in all cases assigned to that judge).

The Clerk shall close the case. The Clerk shall return, without filing, any further documents Bonilla submits after this case is closed.

**IT IS SO ORDERED.**

Dated: March 29, 2018

A handwritten signature in dark ink, appearing to read 'V. Chhabria', is written above a horizontal line.

VINCE CHHABRIA  
United States District Judge